

REMARKS

Claims 1-11 and 22 are pending in the application. Claims 1-4, 7-11, and 22 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Design Patent No. Des. 425, 375 to Parham. Claims 1, 4, and 5 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Design Patent No. D439,671 to Casillo et al. Claims 1, 4, and 6 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,023,681 to Plant. For the reasons set forth below, reconsideration of the application is respectfully requested.

In a telephonic interview on June 11, 2007, claims 1-11 and 22 were discussed. Applicant reiterated the arguments submitted in Applicant's December 5, 2006 Response, including Applicant's view that none of the cited references discloses anything about wine corks, and certainly none of the cited references discloses a method of displaying a wine cork. Moreover, it was pointed out that modifying the cited references would cause each of them to be unsuitable for its intended purpose. The examiner agreed that the final rejection mailed on March 8, 2007 should be withdrawn.

1. Patentability Over the Parham Reference.

As to the Office's contention that the Parham reference makes obvious a method of displaying a used wine cork, it is reiterated that Parham is silent as to wine corks. Nothing in the Parham reference teaches or suggests anything about displaying used wine corks.

Moreover, it would not be obvious to modify the Parham apparatus by reducing the size of the Parham apparatus to a size appropriate to hold a small wine cork. As a matter of law it is not obvious to modify a reference when the modification would make the reference unsuitable for its intended purpose. See, e.g., MPEP 2143.01: If a proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no

suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984).

In this case, the Parham apparatus would not be suitable for its intended purpose of holding a baby bottle if it were modified to the size required by, for example, claim 3.

For both of the above-stated reasons, the rejection under 35 U.S.C. 103(a) based on Parham should be withdrawn.

2. Patentability Over the Casillo Reference.

As to the Office's contention that the Casillo reference makes obvious a method of displaying a used wine cork, it is reiterated that Casillo is silent as to wine corks. Nothing in the Casillo reference teaches or suggests anything about displaying used wine corks.

Moreover, it would not be obvious to modify the Casillo apparatus by reducing the size of the Casillo apparatus to a size appropriate to hold a small wine cork. As a matter of law it is not obvious to modify a reference when the modification would make the reference unsuitable for its intended purpose. See, e.g., MPEP 2143.01: If a proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984).

In this case, the Casillo apparatus would not be suitable for its intended purpose of holding a baby bottle if it were modified to the size required by, for example, claim 3.

For both of the above-stated reasons, the rejection under 35 U.S.C. 103(a) based on Casillo should be withdrawn.

3. Patentability Over the Plant Reference.

As to the Office's contention that the Plant reference makes obvious a method of displaying a used wine cork, it is reiterated that Plant is silent as to wine corks. Nothing in the Plant reference teaches or suggests anything about displaying used wine corks.

Moreover, it would not be obvious to modify the Plant apparatus by reducing the size of the Parham apparatus to a size appropriate to hold a small wine cork. As a matter of law it is not obvious to modify a reference when the modification would make the reference unsuitable for its intended purpose. See, e.g., MPEP 2143.01: If a proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984).

In this case, the Plant apparatus would not be suitable for its intended purpose of holding wine bottles if it were modified to the size required by, for example, claim 3.

For both of the above-stated reasons, the rejection under 35 U.S.C. 103(a) based on Plant should be withdrawn.

Respectfully submitted,

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